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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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February 9, 2004

Serial No. 10/004,494
Applicant: Yung-Fu CHANG
Filed: 11/02/2001
Title: EHRLICHIA CANIS GENES AND VACCINES
Attorney Docket No.: CRF-2322CIP

FEB 20 2004

OFFICE OF PETITIONS

HONORABLE COMMISSIONER OF PATENTS
Alexandria, VA 22313

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR § 1.181

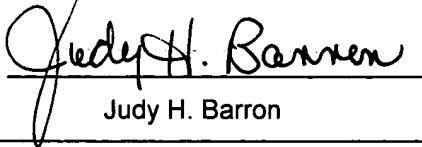
The above-identified application was abandoned by the United States Patent Office for failure to receive a reply to the Notice to File Missing Parts mailed on February 14, 2002. The Notice of Abandonment mailed February 6, 2004 indicates that the reply was never received.

Applicant submitted a statement under 37 CFR §1.821 (f) & (g), a diskette containing the sequence listing, a copy of the Notice to Comply, and a paper copy of the sequence listing as provided on the diskette on March 11, 2002. The Return Postcard (MPEP 503) indicated that the United States Patent and Trademark Office received the statement under 37 CFR §1.821 (f) & (g), the diskette containing the sequence listing, a copy of the Notice to Comply, and a paper copy of the sequence listing as provided on the diskette on March 14, 2002.

A copy of the Return Postcard (MPEP 503) is filed with this petition as *prima facie* evidence, as well as the statement under 37 CFR §1.821 (f) & (g), another diskette containing the sequence listing, the copy of the Notice to Comply, and a paper copy of the sequence listing as

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited in the U.S. Postal Service as Certified Mail
7002 0860 0005
No: 0304 1273 with a return receipt requested, in an envelope addressed to the
Commissioner of Patents and Trademarks, Washington, D.C. 20231 on 2-9-04


Judy H. Barron

provided on the diskette as was filed on March 11, 2002, and received by the United States Patent and Trademark Office on March 14, 2002.

Applicant hereby petitions for the withdrawal of the holding of abandonment.

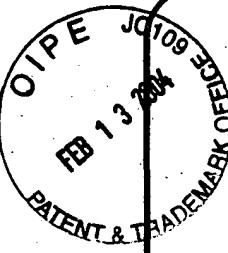
Respectfully Submitted:

Yung-Fu CHANG

By:

Lynda Wood, Reg. No. 53,791
Attorney for Applicant

BROWN & MICHAELS, P.C.
400 M&T Bank Building - 118 N. Tioga St.
Ithaca, NY 14850
(607) 256-2000 • (607) 256-3628 (fax)
e-mail: lwood@bpmlegal.com
Dated: February 9, 2004



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/004,494
		Filing Date	11/02/2001
		First Named Inventor	Yung-Fu Chang
		Group Art Unit	
		Examiner Name	
Total Number of Pages In This Submission	3	Attorney Docket Number	CRF-2322

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Statement Under 37 CFR 1.821
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	Sequence List & Disk
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	Notice to Comply with Requirements
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Brown & Michaels, PC	
Signature		
Date	3/11/02	

CERTIFICATE OF MAILING

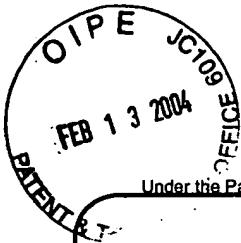
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: **70011940001 4327334**

Typed or printed name	Judy H. Barron		
Signature		Date	3/11/02

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCETRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

47

Attorney Docket Number

CRF-2322 CIP

		ENCLOSURES (Check all that apply)	
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)	
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences	
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)	
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information	
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter	
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):	
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> PostCard	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Notice of Abandonment Under 37CRR 1.53(f) OR (g)	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application			
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53			

Remarks

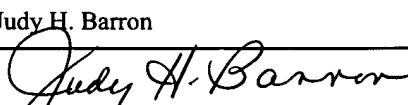
Sequence Listing and Disk
US Postal Filing Documents
Notice to Comply with Requirements for Sequence

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Brown & Michaels, PC	
Signature		
Date	2/9/04	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Judy H. Barron	
Signature		Date
	2/9/04	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20591-0000
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/004,494	11/02/2001	Yung-Fu Chang	CRF-2322 CIP

020808
BROWN PINNISI & MICHAELS
400 M & T BANK BUILDING
118 NORTH TIoga ST
ITHACA, NY 14850

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CONFIRMATION NO. 9399

FORMALITIES LETTER



OC000000007479767

Date Mailed: 02/14/2002

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice MUST be returned with the reply.

BC

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/004,494	11/02/2001	Yung-Fu Chang	CRF-2322 CIP

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020808
BROWN & MICHAELS, PC
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118 NORTH TIoga ST
ITHACA, NY 14850

FEB 20 2004

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CONFIRMATION NO. 9399

**ABANDONMENT/TERMINATION
LETTER**



OC000000011851965

Date Mailed: 02/06/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 02/14/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

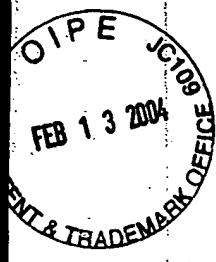
Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Docket No. CRF-2322 CIP Serial/Patent No. 0/004,494

Title: *Elrlichia canis Genes and Vaccines*

Inventor/s: Yung-Fu Chang

The following, due _____ in the USPTO was received in the Patent Office Mail Room on the date stamped hereon:

Transmittal Petition or Request for _____
 Fee Transmittal Notice of Appeal
 Specification Appeal Brief
 Drawings Request for Time Extension
 Declaration/POA I D S References
 Assignment/Cover Issue Fee & Transmittal
 Sequence List & Disk Response to Office Action
 Stmt. Under 37 CFR § 1.821 Missing Parts Form & Fee
 Associate POA Rule 131/132 Declaration
 Provisional Patent Appl. & Cover Maintenance Fee & Transmittal
 Check # _____ \$ _____ Other: *Notice to Couopley*

Mailed 3/11/02 By: JB

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OFFICE OF PETITIONS

Docket No. CRF-2322 CIP Serial/Patent No. 10/004,494
 Title: *Elrlichia canis Genese and Vaccines*
 Inventor/s: Yung-Fu Chang

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Transmittal
 Fee Transmittal
 Specification
 Drawings
 Declaration/POA
 Assignment/Cover
 Sequence List & Disk
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 Associate POA
 Provisional Patent Appl. & Cover
 Check # _____ \$ _____
 Mailed 3/11/02 By: JB

MAR 14 2002

Petition or Request for _____
 Notice of Appeal
 Appeal Brief
 Request for Time Extension
 I D S References
 Issue Fee & Transmittal
 Response to Office Action
 Missing Parts Form & Fee
 Rule 131/132 Declaration
 Maintenance Fee & Transmittal
 Other: Notice to Comply

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PS Form 3800, January 2001		
See Reverse for Instructions		

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